

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SANDRA GARZA, individually and as)
 the personal representative)
 of THE ESTATE OF BRIAN SICKNICK¹)
)
 Plaintiff,)
)
 v.)
)
 DONALD J. TRUMP)
 (in his personal capacity))
 The Mar-A-Lago Club)
 1100 S. Ocean Blvd.)
 Palm Beach, Florida 33480)
)
 and)
)
 JULIAN ELIE KHATER)
 [Address withheld])
)
 and)
)
 GEORGE PIERRE TANIOS)
 [Address withheld])
)
 Defendants.)
)

Case No. 23-_____

COMPLAINT
(JURY TRIAL DEMANDED)

1. The peaceful transfer of power is a sacrament of American democracy. Defendant Donald Trump (“Trump”), together with other co-conspirators, defiled that orderly transition through a campaign of lies and incendiary rhetoric which led to the ransacking of the United States Capitol as part of an insurrectionist effort on January 6, 2021 by Defendants Julian

¹ Pursuant to LCvR 5.1(c)(1), as revised March 23, 2022, the Plaintiff’s address, as well as the two individual criminal defendants, is being filed under seal with the Court in a separate Notice of Filing.

Khater (“Khater”) and George Tanios (“Tanios”), and many others. That attack on the United States Capitol cost U.S. Capitol Officer Brian Sicknick (“Officer Sicknick”), who was bravely defending the cradle of American Democracy, his life.

2. Although it is beyond question Defendant Trump lost the 2020 presidential election, he still remains unwilling to accept defeat. He lied to his followers by, among other things, telling them that the certification of Joe Biden’s election was a “coup” and that their country was being stolen from them. He filed dozens of frivolous lawsuits, all of which substantively failed. And he tried to intimidate state officials, none of whom caved to the pressure. Out of options and out of time, Defendant Trump finally called his supporters to Washington, D.C. on the day Congress met to certify President-elect Biden’s win, telling them to “Stop the Steal” and that the day “will be wild.” Tens of thousands of his supporters came to the District in response, including Defendants Khater and Tanios. Some, including Defendants Khater and Tanios, planned violence at the U.S. Capitol in advance; some were stirred to violence by Defendant Trump’s words on that day.

3. Defendant Trump implored the crowd to “fight like hell” and “walk down Pennsylvania Avenue . . . to the Capitol.” According to an analysis of cell phone location data, approximately 40% of the rally attendees did just that.²

4. As a direct and foreseeable consequence of Defendant Trump’s false and incendiary allegations of fraud and theft, and in direct response to Defendant Trump’s express calls for violence at the rally, a violent mob attacked the U.S. Capitol. Many participants in the attack have since revealed that they were acting on what they believed to be Defendant Trump’s direct orders in service of their country.

² <https://www.nytimes.com/2021/02/05/opinion/capitol-attack-cellphone-data.html>.

5. The mob temporarily disrupted the certification of the vote in the Electoral College. Rioters threatened to hang Vice President Mike Pence and kill the Speaker of the House, Nancy Pelosi, and they terrorized and injured scores of others, including Officer Sicknick.

6. As Officer Sicknick and hundreds of others—including other police officers, elected officials, and rank-and-file workers at the U.S. Capitol—were put in mortal danger, and as the seat of American Democracy was desecrated by the insurgent mob, Defendant Trump watched the events unfold on live television from the safety of the White House. Those with knowledge claimed that during this moment of national horror, Defendant Trump was “delighted” and was “confused about why other people on his team weren’t as excited as he was.” Others described Defendant Trump as “borderline enthusiastic” about the unfolding violence.

7. The horrific events of January 6, 2021, including Officer Sicknick’s tragic, wrongful death, were a direct and foreseeable consequence of the Defendants’ unlawful actions. As such, the Defendants are responsible for the injury and destruction that followed.

I. PARTIES

8. Plaintiff Sandra Garza is the personal representative for the Estate of Brian Sicknick.

9. Defendant Trump was the 45th President of the United States. He has a lengthy history of normalizing violence through his rhetoric and social media communications. After losing the 2020 presidential election to now-President Biden, Defendant Trump and others conspired to undermine the election results by alleging, without evidence, that the election had

been rigged and by pressuring elected officials, courts, and ultimately Congress to reject the results.

10. Defendant Trump also promoted and spoke at the January 6, 2021 (“January 6th”), rally outside the White House—the culmination of a coordinated effort to subvert the certification vote. He called upon his followers—including Defendants Khater and Tanios—to come to Washington, D.C. on January 6th, and he encouraged them to then go to the U.S. Capitol to “fight like hell.” Defendant Trump directly incited the violence at the U.S. Capitol that followed and then watched approvingly as the building was overrun.

11. Defendant Trump did all these things solely in his personal capacity for his own personal benefit and/or his own partisan aims.

12. Defendants Khater and Tanios live in Somerset, New Jersey and Morgantown, West Virginia, respectively.

13. On July 20, 2022, Defendant Tanios pled guilty to Entering and Remaining in a Restricted Building or Grounds in violation of 18 U.S.C. § 1752(a)(2) and (b)(2). In his factual proffer, Defendant Tanios admitted to accompanying Defendant Khater to the January 6th rally in D.C. and admitted to purchasing and carrying the bear spray Defendant Khater used on Officer Sicknick. Per his plea agreement, Defendant Tanios faces a recommended sentence of 0 – 6months in prison.

14. On August 26, 2022, Defendant Khater pled guilty to Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon (namely, bear spray), in violation of 18 U.S.C. § 111(a)(1) and (b). Officer Sicknick was one of the officers Defendant Khater admitted he assaulted as a part of his guilty plea. Per his plea agreement, Defendant Khater likely faces between 78 – 97 months in prison.

15. Both men are scheduled to be sentenced by the end of January 2023 or February 2023.

II. JURISDICTION AND VENUE

16. This Court has subject matter jurisdiction over this case because the Plaintiff's federal conspiracy claim arises under the laws of the United States. It has jurisdiction over the Plaintiff's state law claims because they are so closely related to the federal claims as to form part of the same case or controversy. *See* 28 U.S.C. §§ 1331, 1367; 42 U.S.C. § 1985.

17. This Court has personal jurisdiction over all the Defendants because their actions were committed in the District of Columbia. *See* Fed. R. Civ. P. 4(k)(1)(A); D.C. Code § 13-423.

18. Venue is proper in this Court because a substantial part of the conduct giving rise to the claims in the case, including the violent attack on the U.S. Capitol occurred in the District of Columbia. *See* 28 U.S.C. § 1391(b)(2).

III. RELEVANT FACTUAL BACKGROUND

19. Officer Sicknick joined the U.S. Capitol Police in July 2008 and was a member of that Department's First Responder's Unit. Before joining the U.S. Capitol Police, Officer Sicknick served in the New Jersey Air National Guard and had deployed overseas in support of U.S. military missions.

20. On January 5, 2021, Defendant Khater contacted Defendant Tanios just prior to Tanios' purchase of Frontiersman brand bear spray and pepper spray. Defendant Tanios gave some of the pepper spray to Defendant Khater, which Defendant Khater then carried with him as the two travelled from Morgantown, West Virginia, to Washington, D.C. the next day.

21. On January 6, 2021, Officer Sicknick was part of a police line guarding the perimeter of the Lower West Terrace of the U.S. Capitol.

22. Defendants Khater and Tanios were among the people who stormed the U.S. Capitol on January 6, 2021. In an effort to gain entrance to the building, they confronted law-enforcement officers guarding the Lower West Terrace, including Officer Brian Sicknick. Defendants Khater and Tanios assaulted officers with their hands and feet. From less than 8 feet away, Defendant Khater sprayed Officer Sicknick in the face with the bear spray provided by Defendant Tanios.

Defendant Trump’s Deliberate Efforts to Undermine the Election Results

23. Months before a single poll had opened for the 2020 election, Defendant Trump began accusing Democrats of trying to “steal the election,” calling the lawful state decisions about how to conduct an election in the midst of a world-wide pandemic—supervised, where appropriate, by the courts—“the scandal of our times”:

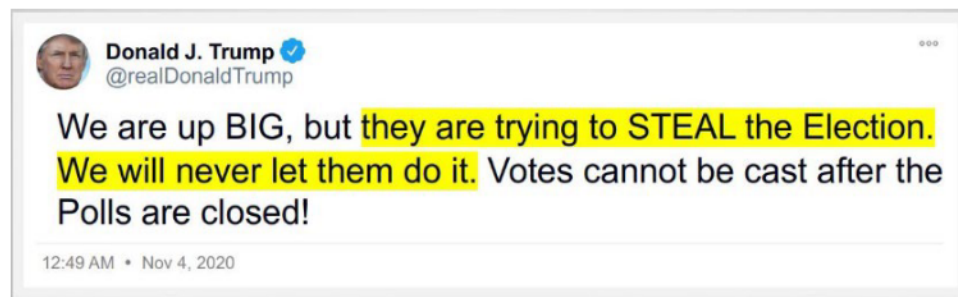


24. Democrats more so than Republicans chose to vote by mail given the starkly partisan views of the Covid-19 pandemic. Where most Republican leaders urged supporters to vote in person, Democratic leaders sought to prioritize safety and social-distancing and encouraged people to vote by mail. Mail-in ballots were often counted much later than in-person ballots. Of the battleground states that largely decided the 2020 election—Pennsylvania, Wisconsin, Michigan, Ohio, Georgia, Nevada, and Arizona—Pennsylvania and Wisconsin do

not begin *processing* mail-in ballots until election day, and only Arizona and Nevada began *counting* mail-in ballots earlier than election day.

25. While Defendant Trump led in the early returns on election day, toward the end of that day, the returns moved in Biden's direction, as most pundits and analysts had predicted, and Defendant Trump's lead substantially dwindled. As his outlook soured over this news, Defendant Trump renewed his claims of voter fraud.

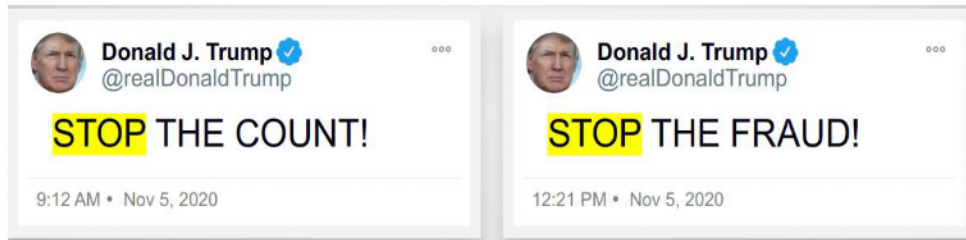
26. At 12:49 a.m., on November 4, Defendant Trump took to Twitter to accuse unnamed individuals from attempting to steal his victory.



27. A little more than an hour later, in televised remarks from the East Room of the White House, Defendant Trump accused a "very sad group of people" of "trying to disenfranchise" the millions of people who had voted for him.

28. Later in the day, Defendant Trump doubled down on his claims of fraud, falsely declaring victory in the battlegrounds of Pennsylvania, Georgia, North Carolina, and Michigan, even as hundreds of thousands of votes in those states were still being counted and the polls were showing an increasing advantage for Biden, who eventually won three of these four states (Pennsylvania, Michigan, and Georgia).

29. The following morning, November 5, less than 48 hours after the polls had closed, Defendant Trump tweeted "Stop the Count" and "Stop the Fraud,,"; slogans that were frequently repeated throughout the day on January 6th prior to and during the attack on the U.S. Capitol.



30. Defendant Trump gave his first prime-time speech after the election from the White House in the evening of November 4. He opened his remarks to the nation with the false assertion “If you count the legal votes, I easily win. If you count the illegal votes, they can try to steal the election from us.” He echoed that sentiment on Twitter shortly thereafter:

Donald J. Trump

@realdonaldtrump

I easily WIN the Presidency of the United States with LEGAL VOTES CAST. The OBSERVERS were not allowed, in any way, shape, or form, to do their job and therefore, votes accepted during this period must be determined to be ILLEGAL VOTES. U.S. Supreme Court should decide!

Nov 6th 2020 - 2:22:47 AM EST · Twitter for iPhone · [View on Twitter](#)

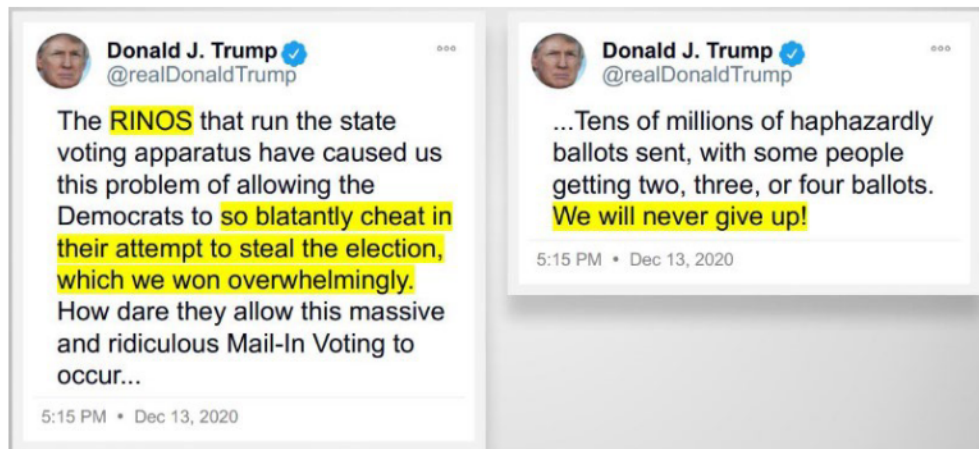
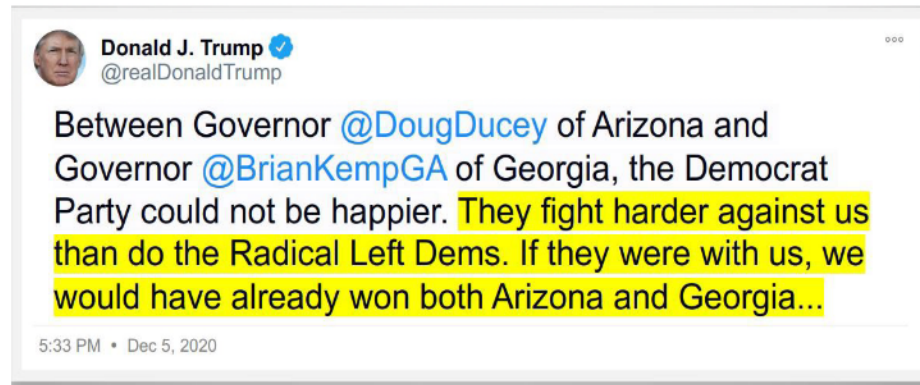
31. Defendant Trump’s allegations of wrongdoing in those first days after the election sparked confrontations nationwide between his supporters and election officials:



32. It did not take long for Defendant Trump to begin directing his criticisms at individual elected officials. His supporters, in turn, began targeting those officials for harassment and threats. For example, armed supporters of Defendant Trump who were encouraged by him actually surrounded the home of the Michigan Secretary of State, while Trump-supporting militias demanded a “citizen tribunal” at the Georgia Capitol.

33. President Biden won the states of Arizona and Georgia. Yet, in the first half of December, Defendant Trump attacked the Republican governors of these states and accused

them of “fight[ing] harder against us than do the Radical Left Dems.” He lamented their lack of fealty to him, stating if these governors “were with us, we would already have won both Arizona and Georgia”:



34. Defendant Trump also attempted to pressure state electors to improperly overturn the election results in their states. He directed particular attention to officials in Michigan, Pennsylvania, and Georgia. He personally attempted to cajole these officials to overturn the election results and directed his followers to intimidate these perceived adversaries.

Michigan

35. In November 2020, bipartisan election officials in Wayne County, Michigan unanimously certified the election results for President Biden. Defendant Trump then tried to pressure two Republican members of that board to change their minds. In response, these two

officials in fact tried—unsuccessfully—to rescind their votes certifying the election results for Biden.

36. Defendant Trump next contacted Michigan Senate Majority Leader Mike Shirkey and Speaker of the Michigan House of Representatives Lee Chatfield. Defendant Trump likewise pressured them to overturn Michigan’s election results, even inviting them to the White House to discuss Defendant Trump’s plans. Those efforts, too, proved unsuccessful.

37. Undeterred, Defendant Trump falsely declared on December 5, 2021, “You know I won almost every county in Michigan, almost every district. We should have won that state very easily. We have a similar type of governor I think but I’ll let you know that in about a week.”

38. In what should have been an obvious sign of the risk inflammatory language could pose, some of Defendant Trump’s followers heard his claims as a directive to act. And they responded. A large group of armed protestors convened at the home of the Michigan Secretary of State chanting, “Stop the steal!” and, “You’re a threat to our democracy!” and, “You’re a threat to a free and honest election!” The protestors made explicit demands that she overturn the state’s election results.

39. Defendant Trump’s efforts to overturn the election results in Michigan were unsuccessful.

40. There were no election irregularities in Michigan sufficient to change the final Presidential vote count in that state. Joe Biden won the Presidential vote in Michigan.

Pennsylvania

41. Defendant Trump also attempted to interfere with officials in Pennsylvania. Defendant Trump contacted Pennsylvania State Senate Majority Leader Kim Ward and

Pennsylvania Speaker of the House of Representatives Brian Cutler. Defendant Trump directly and falsely told Senator Ward “There was fraud in the voting.”

42. On November 25, 2020, Defendant Trump participated by phone in a Pennsylvania State Republican Senate policy hearing and attempted to convince the state legislators that there had been massive fraud in the Commonwealth’s voting. Defendant Trump spoke directly to the lawmakers, telling them, “This election has to be turned around.” He further falsely claimed that he had won Pennsylvania and other swing states “by a lot.”

43. As he had in Michigan, Defendant Trump invited Republican members of the Pennsylvania legislature to the White House to pressure them to overturn the Commonwealth’s election results.

44. Defendant Trump’s efforts to overturn the results in Pennsylvania were unsuccessful.

45. There were no election irregularities in Pennsylvania sufficient to change the final Presidential vote tally. Joe Biden won the Presidential vote in Pennsylvania.

Georgia

46. Defendant Trump went to extraordinary lengths to overturn the election results in Georgia, a reliably Republican stronghold for decades that Defendant Trump believed was in unprecedented jeopardy. After Secretary of State Bradford Raffensperger (“Raffensperger”) stated his belief that the state’s election results in favor of President Biden were accurate, Defendant Trump lashed out at him. He called Raffensperger an “enemy of the people” and directed at least 17 tweets at him, referring to him as a “disaster,” “obstinate,” and a “so-called ‘Republican[.]’”

47. In what should have been another warning to Defendant Trump about the impact of his words, some of Defendant Trump’s followers responded to the claims of fraud and Defendant Trump’s personal attacks on Raffensperger by targeting the Secretary and his family with violent threats. His wife was told, “Your husband deserves to face a firing squad.” Raffensperger was told, “You better not botch this recount . . . your life depends on it” and that he and his family “should be put on trial for treason and face execution.”

48. In December 2020, Defendant Trump pressured Georgia Governor Brian Kemp to hold a special session of the legislature to appoint electors who would cast electoral votes for Defendant Trump.

49. That same month, Defendant Trump called the Chief Investigator for the Georgia Bureau of Investigations, which was conducting an audit of signatures on absentee ballots. Defendant Trump implored the investigator to “find the fraud” and told him that he would be a “national hero” if he was successful in doing so.

50. On January 2, 2021, just days before Congress was set to certify the Electoral College votes, Defendant Trump initiated a conversation with Raffensperger about the alleged massive voter fraud in Georgia. The next day, Defendant Trump made many misrepresentations about that conversation to sway public opinion, including that Raffensperger had “no clue” about a number of alleged voting irregularities in the state. The media, however, obtained and released an audio recording of that call. It showed Defendant Trump browbeating Raffensperger to find enough evidence of fraud to change the state’s election result. Defendant Trump claimed that Raffensperger was aware of election fraud—telling him “you know what they did and you’re not reporting it.” Defendant Trump told Raffensperger that he had won the state of Georgia.

Defendant Trump made an explicit request to Raffensperger: “I just want to find 11,780 votes, which is one more than we have.”

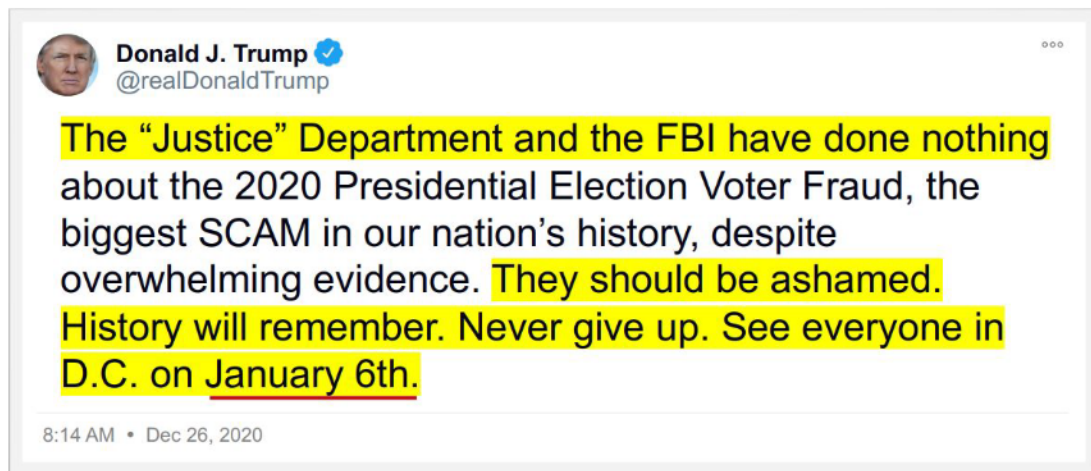
51. There were no election irregularities in Georgia sufficient to change the election outcome. Joe Biden won the Presidential vote in Georgia.

Defendant Trump’s Attempts to Challenge the Results in Other States

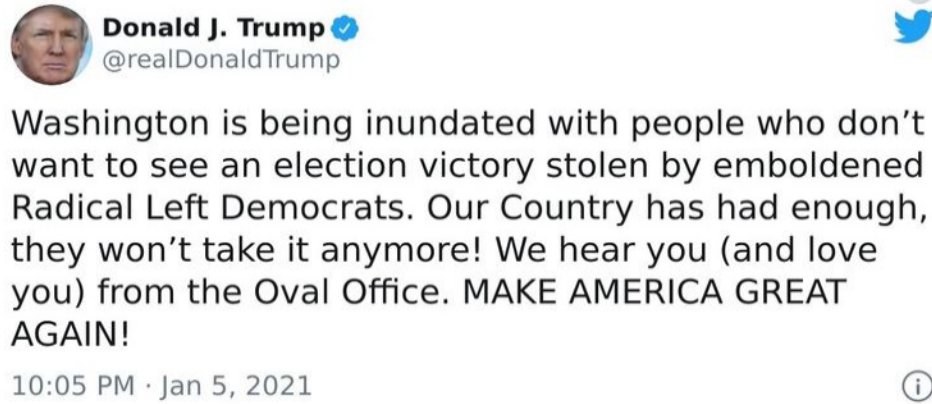
52. In addition to Michigan, Pennsylvania, and Georgia, Defendant Trump took aim at officials in other Republican-led jurisdictions for the same reasons.

53. Defendant Trump’s claims of widespread fraud and election-rigging were rebuked by numerous executive agencies, including the Federal Bureau of Investigation, the Department of Justice, and the Department of Homeland Security. Defendant Trump lashed out at them as well, berating them for their refusal to address “the biggest SCAM in our nation’s history.”

Defendant Trump coupled this message with a call to action on January 6th:



54. On January 5, 2021, the night before the rally, Defendant Trump tweeted about the thousands of people flooding D.C. who did not want to see the country “stolen” by “Radical Left Democrats:



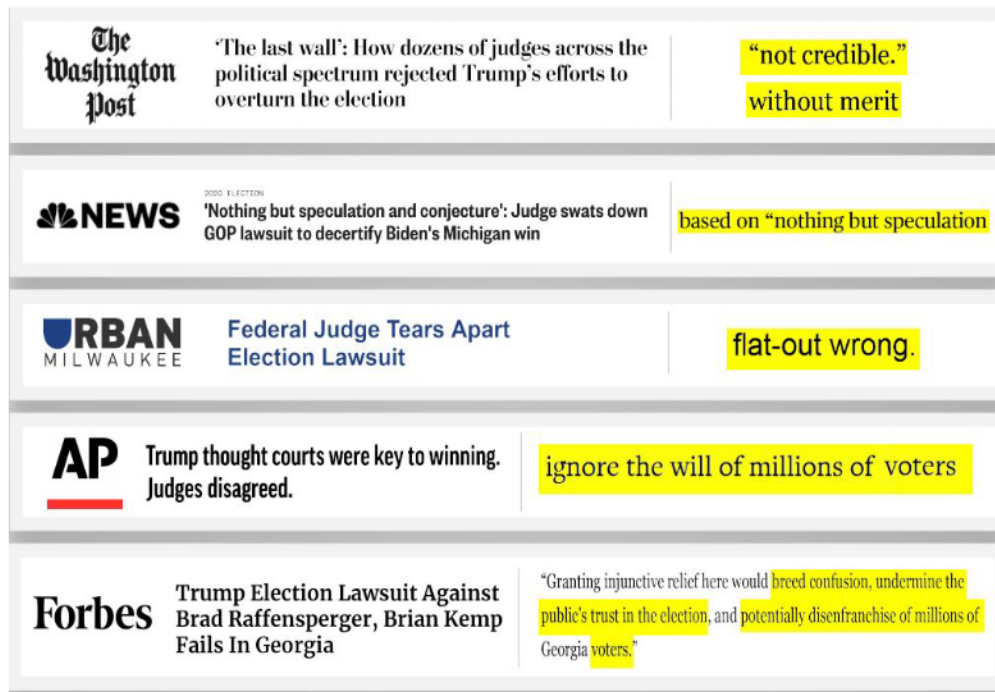
55. Then, less than 10 minutes later, he attacked “the weak and ineffective RINO [Republican In Name Only] section of the Republican Party,” threatening that the “thousands of people pouring into D.C. ... won’t stand for a landslide election victory to be stolen”:



56. Defendant Trump’s close advisors spearheaded another arm of Defendant Trump’s efforts to subvert the election: the numerous challenges in the courts. On Defendant Trump’s behalf, his lawyers eventually filed 62 lawsuits seeking to undo the election results, all in key battleground states.

57. All but one of those lawsuits were rejected outright. Judges appointed by Republicans and Democrats—including judges appointed by Defendant Trump himself—determined the claims were baseless. Judges derided the allegations in these suits as “without merit” and “flat-out wrong.” One judge opined that what would “undermine the public’s trust in the election” was not the alleged massive fraud Defendant Trump alleged, but the Court

overturning the results of a landslide election based on no evidence of systemic wrongdoing at all:



58. Focusing on the Defendants’ final means of subverting the election—blocking certification of President Biden’s victory—Defendant Trump’s advisors advanced the argument that Vice President Pence could unilaterally block certification of the Electoral College vote, a position almost universally rejected by legal scholars, and by Vice President Pence himself.

59. At 6:34 p.m. on January 5, 2021, Defendant Trump’s advisor and lawyer Rudolph Giuliani (“Giuliani”) tweeted a link to a YouTube video from his show “Common Sense” entitled, “Watch this Before January 6th.” The video purported to explain why it was permissible for Vice President Pence to block certification of the Electoral College vote the next day. Giuliani tweeted a retweet of that post later that night and again the following morning, shortly before Defendant Trump spoke at the rally.

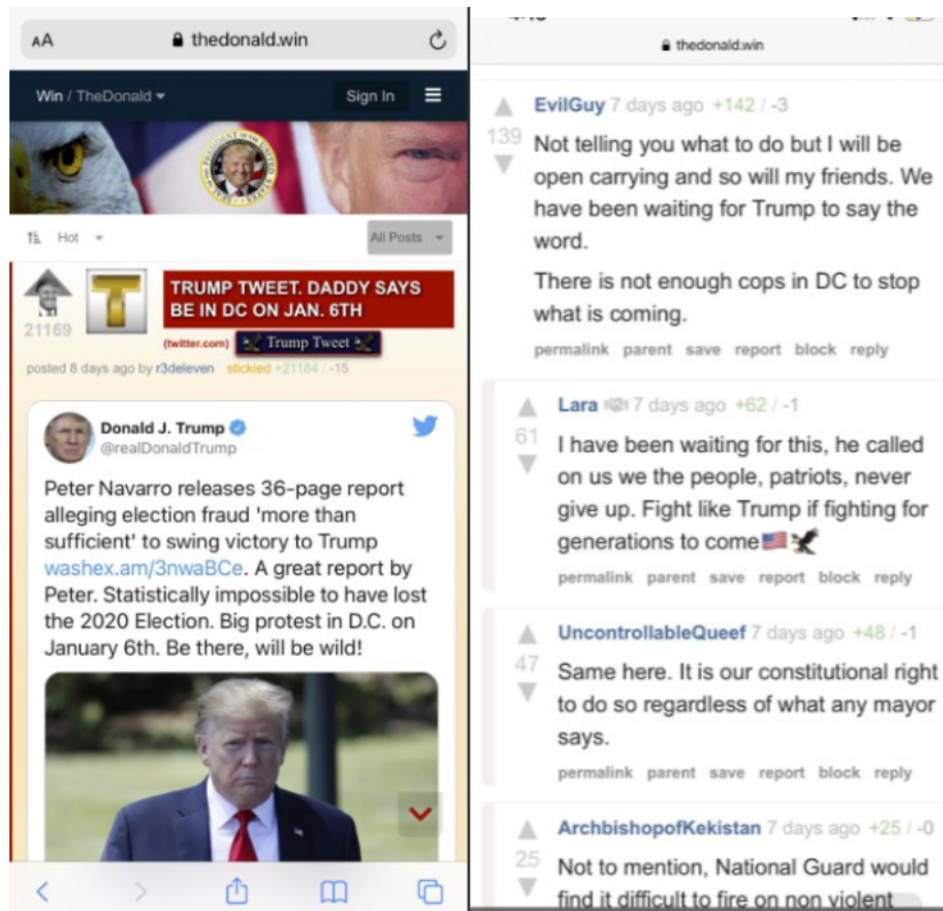
**Defendant Trump’s Call to “Be There, will be wild!”
Is Understood To Be A Call To Violence**

60. On December 19, 2020, Defendant Trump promoted a “[b]ig protest on January 6.” He told his followers to “Be there, will be wild!”:



61. Particularly considering Defendant Trump’s prior directive to a white supremacist group—the Proud Boys—to “stand by,” Defendant Trump’s tweet was understood by his followers to be a call to violence.

62. For example, within minutes of Defendant Trump’s “be wild” tweet, it was shared on *TheDonald.win* with the title: “Trump Tweet. Daddy Says Be in DC on Jan 6.” One user “EvilGuy,” said, in response to Trump’s call to action, “I will be open carrying and so will my friends. We have been waiting for Trump to say the word. There is [sic] not enough cops in DC to stop what is coming.”



63. Other responses were in a similar vein. MrMcGreenGenes wrote “Well, shit. We’ve got marching orders bois.” (“Bois” is likely a reference to the “Bugaloo Bois” a right-wing extremist group.) Buttfort88 similarly understood Defendant Trump’s tweet as “marching orders.”

[MrMcGreenGenes](#) 558 points 2 hours ago +559 / -1
 Well, shit. We've got marching orders, bois.

- [Buttfart88](#) 25 points 2 hours ago +25 / -0

Trump just finally dropped the marching order at 1:00 in the morning. Holy shit lmao

NamelessKing understood Defendant Trump's tweet as a call to bring weapons to D.C. on the same day Congress was to certify the Electoral College vote:

- [NamelessKing](#) 34 points 2 hours ago +35 / -1

"Will Be Wild" is a hidden message for us to be preparedas in armed.

could also mean he's posted military in certain places while they all wait for the results to be handed down.

PepeVsCommies took this as signal to use "any means necessary":

[Protest in DC on Jan 6!!! Let's all turn up and show them they can't steal the election!!! Trump tweets: "Be there, will be wild"](#)
posted 1 hour ago by [PepeVsCommies](#) +118 / -0

WE NEED TO MAKE OUR VOICES HEARD, using any means necessary!!!

Perhaps most tellingly, SWORDofLIBERTY and justinkayz understood Defendant Trump's tweet as a call to do exactly what the rioters did—"burst into [the Capitol] by the thousands."

- [SWORDofLIBERTY](#) 2 points 9 hours ago +2 / -0

doesn't matter if they steal the election, if patriots burst into the building by the thousands and cut the heads off the hydra.

They make the wrong choice with thousands of armed pissed patriots outside, they made their choice, and you have to make yours.

- [justinkayz](#) 1 point 5 hours ago +1 / -0

Storm the People's House and retake it from the fuckin' commies

Others discussed shooting police officers and bringing weapons.

- [loveshock](#) 3 points 1 hour ago +7 / -4

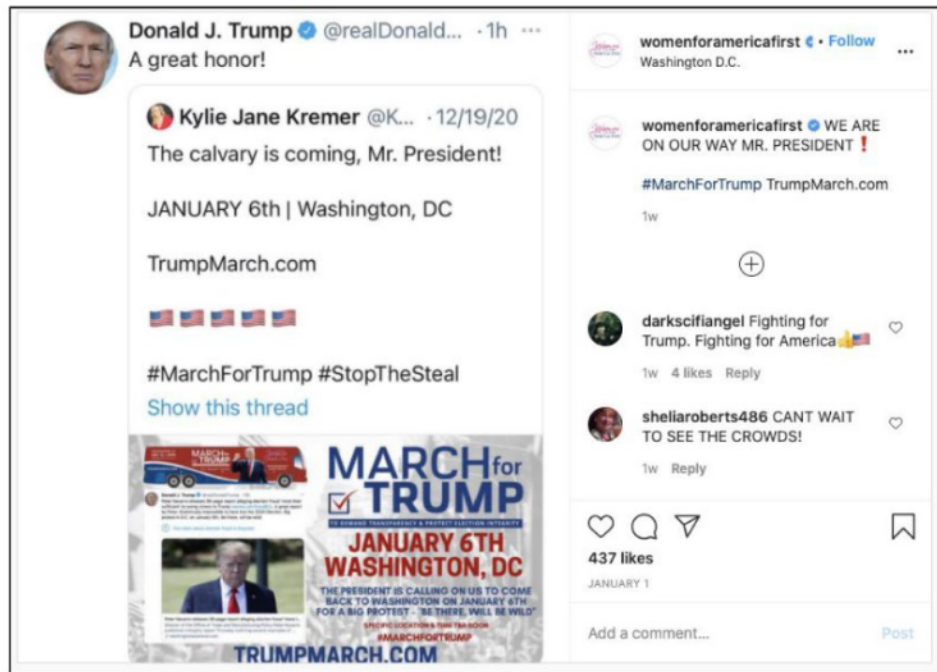
Cops don't have "standing" if they are laying on the ground in a pool of their own blood.

- [BathouseBarry](#) 2 points 18 minutes ago +2 / -0

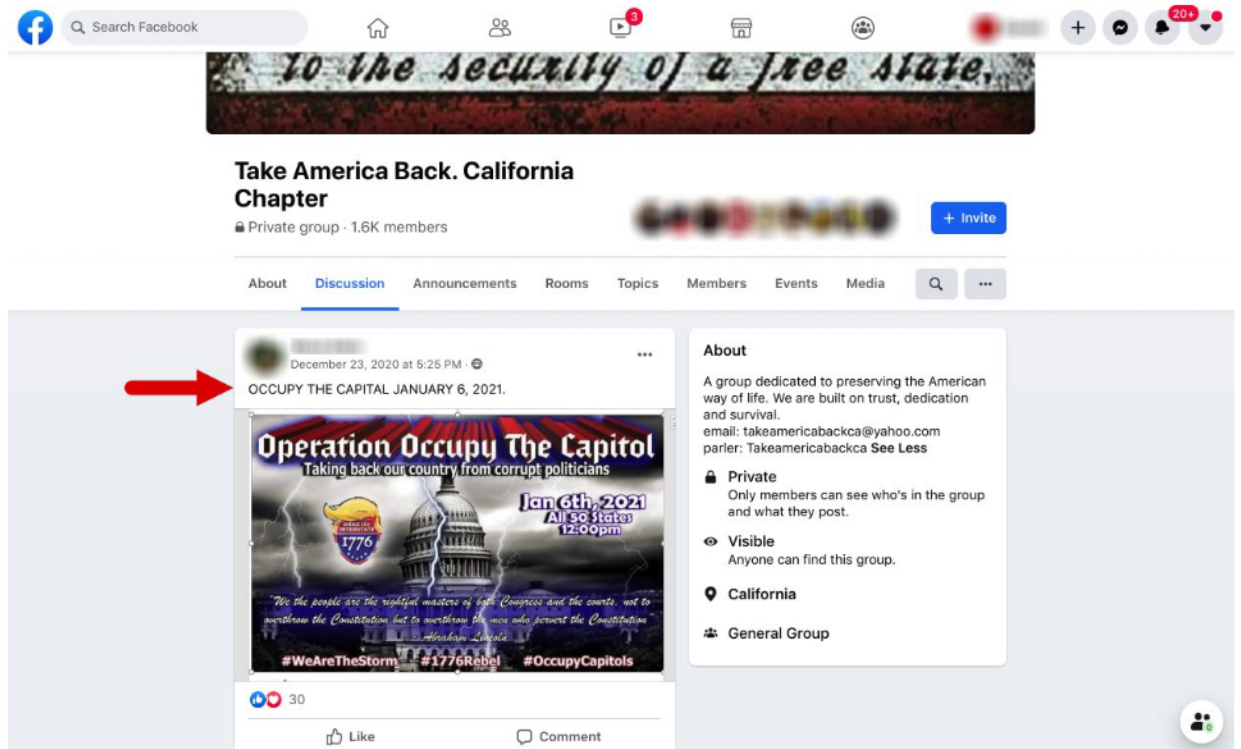
And we will be armed, and we won't leave.

64. Defendant Trump knew that his supporters had interpreted his “will be wild” tweet as a call to violence.

65. Some of Defendant Trump’s supporters engaged with the former president on Twitter about their plans to be a part of his “Cavalry.”



66. Similarly, on Facebook, many people suggested or planned violence on January 6th in response to Defendant Trump’s tweet. For example, one California group built on “Trust, Dedication, and Survival” promoted “Operation Occupy the Capitol” on January 6th and tagged the post #wearethestorm and #1776Rebels:



67. One conspiracy theorist, also a supporter of Defendant Trump, tweeted that he was ready to die for the former president. The Arizona Republican Party actually retweeted his message, asking its followers “He is [ready to die for Trump]. Are you?” In response to Defendant Trump’s tweets calling people to Washington, D.C. on January 6th, militia groups, including the Oath Keepers and Proud Boys, strategized an assault on the U.S. Capitol by sharing maps of the building and coordinating supplies and outfits to wear.

Defendant Trump Incites Violence at the Rally

68. At 10:00 p.m. on January 5, 2021, Defendant Trump put down his final marker, declaring that Vice President Mike Pence had the authority to overturn the election results and hand him a victory:



69. Defendant Trump’s tweet was intended to convince the tens of thousands of supporters who had traveled to D.C. for the rally that Vice President Pence was uniquely situated to save Defendant Trump’s presidency.

70. By the morning of January 6th, thousands of Trump supporters—including Defendants Khater and Tanios—had flooded Washington, D.C. Many were prepared for violence and had plans to attack the U.S. Capitol. Many more were there for a political rally. The extremists who had been plotting the attack breached the U.S. Capitol as planned. Defendant Trump incited the other attendees to violence, whipping them into a frenzy and turning them into a violent mob that participated in the attack.

71. The rally began at 7:00 a.m. on January 6, 2021.

72. The United States Secret Service had erected security checkpoints, including metal detectors, at the entrance points to the rally. Some of Defendant Trump’s supporters attempted to bring firearms—specifically AR-15 assault rifles—into the rally with them but were turned away at the checkpoints. When Defendant Trump learned this was happening, he became irate and said “Take the effing [magnetometers] away; I don’t care if they have weapons, they’re not here to hurt me.”

73. From the time the rally began until shortly after 1:00 p.m., a series of speakers took the stage to lash out against the election results and to demand action by lawmakers. Each speaker rallied the crowd with incendiary language, telling the crowd that President Biden “did not win this election!”; that “America is at risk unlike it has been in decades, maybe centuries; that “our ancestors sacrificed their blood, their sweat, their tears, their fortunes, and sometimes their lives, to give us, their descendants, an America that is the greatest nation in world history. So I have a question for you: Are you willing to do the same? My answer is yes.”; and that it was time for “trial by combat.”

74. Defendant Trump, standing backstage, heard each speaker say all those things to the crowd, and heard the crowd cheer in response.

75. Defendant Trump was the final speaker at the rally. He began his remarks at approximately 12:00 p.m. and concluded around 1:15 p.m., just after the first coordinated skirmishes between members of the militia groups and U.S. Capitol Police officers were breaking out at the U.S. Capitol.

76. In his remarks, Defendant Trump said “We took them by surprise and this year, they rigged an election. They rigged it like they’ve never rigged an election before.”

77. Defendant Trump continued that “Hundreds of thousands of American patriots are committed to the honesty of our elections and the integrity of our glorious Republic. All of us here today do not want to see our election victory stolen by emboldened radical left Democrats, which is what they’re doing and stolen by the fake news media. That’s what they’ve done and what they’re doing. We will never give up.”

78. Defendant Trump also said “We will never concede, it doesn’t happen. You don’t concede when there’s theft involved. Our country has had enough. We will not take it anymore

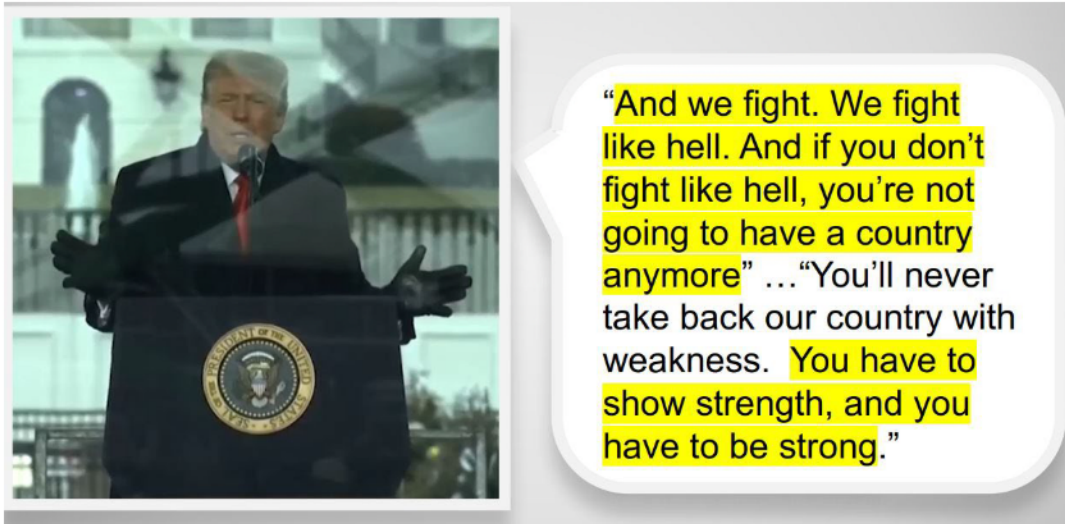
and that's what this is all about. To use a favorite term that all of you people really came up with, we will stop the steal." In referring to "the steal," Defendant Trump meant the certification of Joe Biden as President, which was underway at the U.S. Capitol.

79. As the crowd chanted "Fight for Trump," Defendant Trump responded, "we will not let them silence your voices. We're not gonna let it happen."

80. Defendant Trump gave the people—some of whom he knew had brought firearms and other weapons with them—permission to break the rules; he told them that "[w]hen you catch somebody in a fraud, you're allowed to go by very different rules."

81. While Defendant Trump was speaking, at around 12:45 p.m., a pipe bomb was found in front of the Republican National Committee headquarters. A second pipe bomb was found at the Democratic National Committee headquarters about thirty minutes later. The perpetrator(s) remain at large.

82. Defendant Trump continued to incite the crowd and concluded his speech by reminding the crowd that they'll "never take back our country with weakness. You have to show strength, and you have to be strong." He told the crowd to "walk down Pennsylvania Avenue. I love Pennsylvania Avenue. And we're going to the Capitol ... But we're going to try and give our Republicans, the weak ones because the strong ones don't need any of our help. We're going to try and give them the kind of pride and boldness that they need to take back our country." The crowd cheered in response.



Violence Starts At The U.S. Capitol

83. Defendant Trump put out a clear call to action, and the crowd—including Defendants Khater and Tanios—responded. As Defendant Trump was instructing them to go to the U.S. Capitol, an early flank of insurgents had already forced their way through barricades and attempted to breach the building, while blasting Defendant Trump’s speech on a bullhorn.

84. The violence escalated quickly after that. After Defendant Trump’s speech ended, insurgents charged the hill surrounding the U.S. Capitol and began scaling the building’s outer walls. Officers reported rioters were attacking them with metal poles. Law enforcement and local leaders put out calls for help. Officers called for reinforcements as the mob pulled down the gates erected to protect the U.S. Capitol and attacked officers.

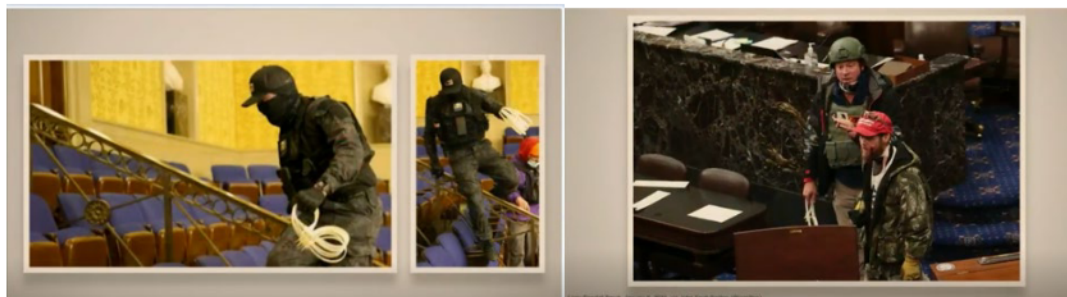
85. At 1:34 p.m., the House Sergeant at Arms and D.C. Mayor Muriel Bowser both asked for the National Guard’s assistance in protecting the U.S. Capitol.

86. At around 1:45 p.m., frenzied Trump supporters surged past U.S. Capitol police officers who were protecting the U.S. Capitol’s West steps. One officer declared, “We’re going to give riot warnings. We’re going to try to get compliance. But this is now effectively a riot.”

87. Meanwhile, sitting in the White House, Defendant Trump did nothing to stop what was occurring and instead encouraged the mob to continue the violence. At the same time the mob was declared a riot, Defendant Trump tweeted his speech from the rally:



88. About half an hour later, at 2:12 p.m., insurgents breached the U.S. Capitol: they broke windows using riot shields and poles, climbed into the building, and opened the doors for the mob to storm the interior of the building. Some of those insurgents were wearing military helmets and full tactical gear; others carried baseball bats, Trump flags, hockey sticks, and crutches; they had flex cuffs and climbing gear; some were equipped with their own radio system; others had stun guns and other weapons:



89. As the mob was running rampant through the U.S. Capitol, Secret Service Agents ushered Vice President Pence off the Senate floor. The mob chanted, “Hang Mike Pence!” Insurgents outside the U.S. Capitol erected a noose and gallows:



90. At approximately 2:09 p.m., Defendants Khater and Tanios walked on restricted grounds and proceeded from the south grassy area of the U.S. Capitol toward the Lower West Terrace.

91. After separating briefly, Defendants Khater and Tanios reunited at approximately 2:14 p.m. near the police barricade on the steps of the south side of the Lower West Terrace. Defendant Khater told Defendant Tanios, “Give me that bear shit,” and then reached his hand into Defendant Tanios’ backpack and retrieved a white canister of bear spray.

92. While still trespassing in the restricted grounds of the U.S. Capitol, Defendant Tanios encouraged other rioters to do the same, and videotaped the rioters assaulting police.

93. By 2:20 p.m., U.S. Capitol Police announced the U.S. Capitol had been breached and was on full lockdown.

94. Around that same time, Defendants Khater and Tanios were engaged in a confrontation with law-enforcement officers, including Officer Sicknick, who were guarding the Lower West Terrace of the U.S. Capitol. They and others began pulling down barriers and

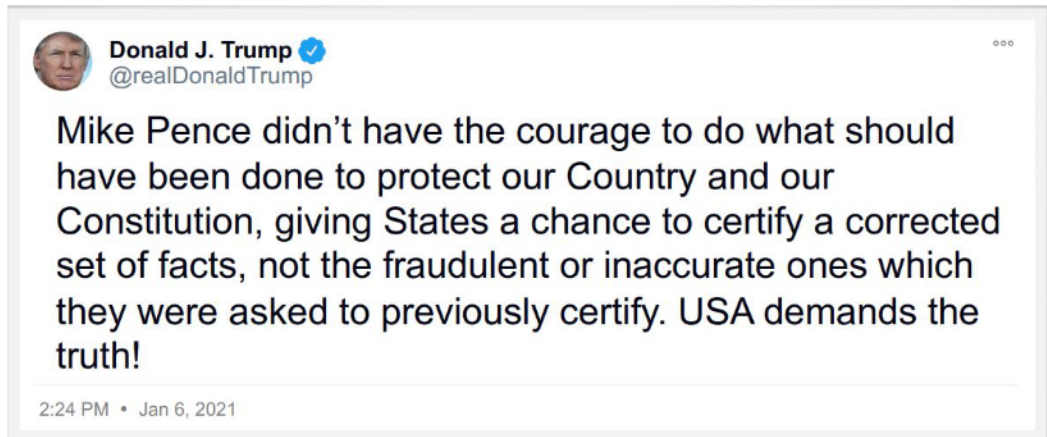
assaulting and attacking officers with their hands and feet and other objects. From less than 8 feet away, Defendant Khater sprayed Officer Sicknick in the face with the bear spray Defendant Tanios had brought with them.



95. Officer Sicknick turned his head away and retreated from the police line, incapacitated by the bear spray. Defendant Khater continued to deploy the spray, now advancing towards at least two other officers, and sprayed them directly in their faces from only a few feet away.

96. At 2:24 p.m., almost an hour after rioters descended on the U.S. Capitol, and as they were storming the hallways, Defendant Trump sent out a tweet with the clear intent to further inflame the mayhem, and which directly imperiled his Vice President: “Mike Pence

didn't have the courage to do what should have been done to protect our Country and our Constitution.”



97. This tweet was repeated in real time by rioters at the U.S. Capitol on megaphones as it was clear they understood Defendant Trump's tweet to be encouragement for further violence.

98. In response to this tweet, members of the mob continued to chant "Hang Mike Pence!" and "Mike Pence is a Bitch!" as they continued their siege.

99. In a phone call between Defendant Trump and House Minority Leader Kevin McCarthy (R-CA), McCarthy begged Defendant Trump to call off the rioters, pleading with Defendant Trump that the rioters were all his supporters. In response, Defendant Trump told McCarthy, "Well, Kevin, I guess these people are more upset about the election than you are."

100. While the wild mob grew more violent, climbed over balconies, and erected nooses in front of the U.S. Capitol, Defendant Trump's staff and advisors were pleading with him to address the nation and put an end to the violence. At 2:38 p.m., an hour after the first breach, Defendant Trump obliged, but stopped far short of calling off the mob or condemning the assault that was still underway:



101. By 3:00 p.m., the District of Columbia issued notice of an emergency citywide curfew to begin at 6 p.m.

102. Meanwhile, the mob inside the U.S. Capitol shouted, “We want Trump!” The mob continued attacking officers with a variety of munitions—rocks, bottles, metal poles, bear spray, and pepper spray. Officers reported being “flanked” and “los[ing] the line.” For hours, officers were forced into hand-to-hand combat to prevent more rioters from entering the U.S. Capitol.

103. All these events were widely reported in print, television, and online media outlets, and Defendant Trump and the other Defendants were aware of this coverage.

104. At 4:17 p.m., Defendant Trump tweeted a recorded video directed to his supporters as they continued to ransack the U.S. Capitol:

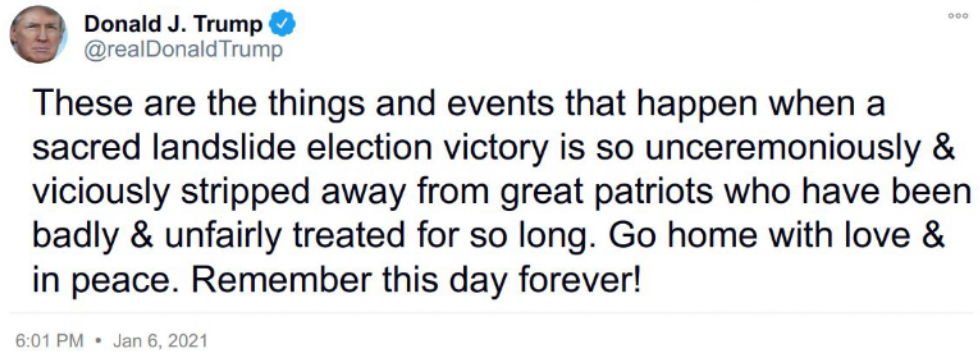


In the video, Defendant Trump told the mob, “I know your pain, I know you’re hurt,” and repeated his lies about a stolen election that had driven the insurgents to the U.S. Capitol in the first place. In the same breath he told the mob to go home, he also said, “We love you. You’re very special.”

105. Predictably, just as Defendant Trump had intended, the mayhem continued.

106. At around 5:40 p.m. the police began to clear the U.S. Capitol and Congressional leaders announced they would proceed with the certification of the Electoral Votes. By that time, the mob had thoroughly pillaged the premises: they had shattered windows, damaged statues, broken doors, vandalized offices, stolen laptops, desecrated the Speaker’s office, shattered a mirror, and stolen the Speaker’s lectern. In total, six people—including Officer Sicknick—lost their lives directly because of the riot, 140 officers were injured, and scores of people were left emotionally and/or physically damaged.

107. At 6:01 p.m., five hours after rioters had begun their siege on the U.S. Capitol and had threatened to kill Vice President Pence and others, Defendant Trump finally released a statement that directly addressed the violence. Once again, the message fell well short of a forceful condemnation or rebuke. In another recorded video, Defendant Trump chided that “These are the things and events that happen when a sacred landslide victory is so unceremoniously & viciously stripped away from great patriots who have been badly & unfairly treated for so long.” He then told the members of the violent mob, who continued to occupy the U.S. Capitol and terrorize Plaintiffs and other members to “Go home with love & in peace. Remember this day forever!”



108. Many of the rioters cited Defendant Trump himself as the inspiration for their violent actions. For example, the “QAnon Shaman” Jacob Anthony’s attorney explained that “he came as a part of a group effort, with other ‘patriots’ from Arizona, at the request of the President that all ‘patriots’ come to D.C. on January 6, 2021.”

109. Around 10:00 p.m. on January 6, 2021, Officer Sicknick, who was still at the U.S. Capitol, collapsed and was rushed to a nearby hospital for treatment. Around 9:30 p.m. the next day, Officer Sicknick died.

110. According to the District of Columbia’s Chief Medical Examiner, Officer Sicknick died of “natural causes”—specifically, a series of strokes. The Medical Examiner further stated that “all that transpired on [January 6] played a role in his condition” that led to his death.

111. In a preceding lawsuit arising out of the events of January 6th, the Honorable Amit Mehta of this Court ruled on February 18, 2022, that Defendant Trump’s statements to his supporters before the riot “is the essence of civil conspiracy,” because Defendant Trump spoke about himself and rallygoers working “towards a common goal” of fighting and walking down Pennsylvania Avenue. Judge Mehta also noted that “The President’s January 6 Rally Speech can reasonably be viewed as a call for collective action.”

112. On March 28, 2022, the Honorable David Carter of the United States District Court for the Central District of California ruled in a subpoena dispute between the House of Representatives committee investigating the January 6th attack and John Eastman, one of Defendant Trump's close advisors in his efforts to overturn the election results, that certain documents were not protected by the attorney-client privilege under the crime-fraud exception because Defendant Trump's actions leading up to January 6th "more likely than not constitute[d] attempts to obstruct an official proceeding" and that Eastman and others had conspired with him to do just that.

113. In July and August 2022, Defendants Khater and Tanios signed factual proffers as part of their plea agreements, in which they admitted to their crimes that day. Defendant Tanios' signed proffer admits to trespass and disorderly conduct; Defendant Khater's proffer admits to "assaulting, resisting, or impeding [Officer Sicknick] using a dangerous weapon." Both men are awaiting sentencing.

114. On November 29, 2022, Oath Keepers leader Stuart Rhodes and his associate, Kelly Meggs, were convicted in this Court of seditious conspiracy for their actions on January 6th.

115. On December 28, 2022, the Honorable John Bates from this District ruled in a criminal case of one of the January 6th defendants that Defendant Trump's incendiary rhetoric — especially telling his supporters to "fight like hell" — may suggest Trump was asking them to break the law. Judge Bates noted that Defendant Trump's words "could signal to protesters that entering the Capitol and stopping the certification would be unlawful."

116. On June 30, 2021, the House of Representatives passed House Resolution 503, which established the bipartisan Select Committee to Investigate the January 6th Attack on the

United States Capitol (“Select Committee”). The Select Committee interviewed more than a thousand witnesses—many of whom were members of Defendant Trump’s administration and inner circle of advisors—and held 9 public hearings to present its key findings to the American public.

117. After 18 months of investigation, the Select Committee released a final report in December 2022 totaling almost 900 pages that contained specific findings about Defendant Trump’s efforts to overturn the 2020 election results, including the following key takeaways:

- a. “[The] evidence has led to an overriding and straight-forward conclusion: the central cause of January 6th was one man, former President Donald Trump, who many others followed. None of the events of January 6th would have happened without him”;
- b. “Beginning election night and continuing through January 6th and thereafter, Donald Trump purposely disseminated false allegations of fraud related to the 2020 Presidential election in order to aid his effort to overturn the election and for purposes of soliciting contributions. These claims provoked his supporters to violence on January 6th”;
- c. “Based on false allegations that the election was Stolen, Donald Trump summoned tens of thousands of supporters to Washington for January 6th. Although these supporters were angry and some were armed, Donald Trump instructed them to march to the Capitol on January 6th to ‘take back’ their country”; and,
- d. “Each of these actions by Donald Trump was taken in support of a multi-part conspiracy to overturn the lawful results of the 2020 Presidential election.”

118. The Select Committee also made a number of criminal referrals as to Defendant Trump to the Department of Justice’s Special Counsel based on its finding of “sufficient evidence of one or more potential violations” of the following statutes (among others):

- e. **Obstruction of an Official Proceeding (18 U.S.C. § 1512(c)).** The Select Committee found that Defendant Trump “knew that his actions were likely to ‘obstruct, influence, or impede’” the joint session of Congress on January 6th and because he acted with a “corrupt” purpose in seeking to pressure Vice President Mike Pence to prevent certification of the electoral votes that day. The Select Committee also found that Defendant Trump was “also responsible for recruiting tens of thousands of his supporters to Washington” that day, and that “knowing they were angry and some were armed, instructing them to march to the Capitol and ‘fight like hell.’”
- f. **Incite, Assist, or Aid and Comfort an Insurrection (18 U.S.C. § 2383).** The Select Committee found that Defendant Trump was “directly responsible” for summoning “what became a violent mob to Washington, D.C.” and then “further provoking the already violent and lawless crowd with his 2:24 p.m. tweet about the Vice President.” The Select Committee further found that Defendant Trump “refused to condemn the violence or encourage the crowd to disperse” once the attack on the U.S. Capitol was underway. Ultimately, the Select Committee concluded that “[b]oth the purpose and the effect of [Defendant Trump’s] actions were to mobilize a large crowd to descend on the Capitol” and that there was “significant evidence that President Trump intended to disrupt the peaceful transition of power” on January 6th.

- g. **Other Conspiracy Statutes (18 U.S.C. § 372 and 2384).** The Select Committee found that Defendant Trump’s “actions with the knowledge of the risk of violence” could also constitute conspiracy “to prevent, by force, intimidation, or threat, any person from accepting or holding office, trust, or place of confidence under the United States, or from discharging any duties thereof ...” and/or conspiracy “to overthrow, put down, or to destroy by force the Government of the United States”

IV.
CLAIMS FOR RELIEF

COUNT 1
Wrongful Death
D.C. Code § 16-2701
(Against all Defendants)

119. The Plaintiff re-alleges and incorporates by reference paragraphs 27 – 118 above, inclusive.

120. A violation of D.C. Code § 16-2701 occurs when
- a. By an injury done or happening within the limits of the District;
 - b. The death of a person is caused;
 - c. By the wrongful act, neglect, or default of a person or corporation.

121. As described more fully in this Complaint, on January 6, 2021, a mob of individuals incited by Defendant Trump and others, including Defendants Khater and Tanios, stormed the U.S. Capitol.

122. Before directing the mob to the U.S. Capitol, Defendant Trump instructed them to “fight like hell” and declared that “you’re allowed to go by very different rules” and “you have to show strength.” Defendant Trump intended these words to be taken literally.

123. For several hours after the mob had stormed the U.S. Capitol, Defendant Trump refused to communicate anything to the mob that might discourage continued unlawful action, and thus ratified and approved of its actions.

124. Defendant Trump intentionally riled up the crowd and directed and encouraged a mob to attack the U.S. Capitol and attack those who opposed them. The violence that followed, and the injuries that violence caused, including the injuries sustained by Officer Sicknick and his eventual death, were reasonable and foreseeable consequences of Defendant Trump's words and conduct.

125. Officer Sicknick was inside the U.S. Capitol as the mob gathered outside. The mob, including Defendants Khater and Tanios, attacked Officer Sicknick and other law enforcement officers protecting the U.S. Capitol and intentionally and unlawfully forced its way inside the building.

126. Many individuals in the mob, including Defendants Khater and Tanios, either carried weapons or used objects such as poles and fire extinguishers as weapons before and after entering the building. Some individuals in the mob also carried restraints such as plastic handcuffs and rope.

127. The mob, including Defendants Khater and Tanios, also unlawfully and intentionally entered non-public areas of the U.S. Capitol building, including Members' private offices. It damaged and vandalized personal and public property and stole documents, electronics, and other items from some members' offices.

128. As the mob made its way through the U.S. Capitol, participants threatened to kill numerous individuals, including, but not limited to, law enforcement officers, Vice President

Mike Pence, and Speaker of the House Nancy Pelosi. The mob terrorized and injured scores of people inside and outside of the U.S. Capitol, including Officer Sicknick.

129. After rioters broke through the police line where he was stationed, individuals in the mob, including Defendants Khater and Tanios, intentionally and forcibly assaulted Officer Sicknick and others. Defendant Khater sprayed Officer Sicknick in the face with bear spray, which incapacitated Officer Sicknick and left him unable to defend himself from the mob.

130. As a direct result of the attack by Defendants Khater and Tanios and others—which Defendant Trump instigated—Officer Sicknick suffered physical injuries.

131. The following day, on January 7, 2021, Officer Sicknick tragically died.

132. All that transpired on January 6th—including the actions taken by Defendants Trump, Khater, and Tanios—played a significant role in the medical condition that led to Officer Sicknick’s death the following day.

133. Defendant Trump was aware that his actions prior to and on January 6, 2021 promoted and encouraged the mob to violently storm the U.S. Capitol.

134. Officer Sicknick’s death was a reasonable and foreseeable consequence of Defendants’ intentional words and actions.

135. For all these reasons, the Defendants are directly and vicariously liable to the Plaintiff for the wrongful death of Officer Sicknick and for all damages arising therefrom.

COUNT 2
Conspiracy to Violate Civil Rights (Interference with Official Duties)
42 U.S.C. § 1985(1)
(Against all Defendants)

136. The Plaintiff re-alleges and incorporates by reference paragraphs 27 – 135 above, inclusive.

137. A violation of 42 U.S.C. § 1985(1) occurs when two or more persons conspire to do any one or more of the following:

- a. “prevent by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States”;
- b. “[prevent an official by force, intimidation, or threat] from discharging any duties thereof”;
- c. “induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed”;
- d. “injure [an official] in [their] person or property on account of [their] lawful discharge of the duties of [their] office, or while engaged in the lawful discharge thereof”; and/or
- e. “injure [an official’s] property so as to molest, interrupt, hinder, or impede [them] in the discharge of [their] official duties.”

138. As described more fully in this Complaint, the Defendants, by force, intimidation, or threat, agreed and conspired with one another and others to undertake a course of action to prevent Congress and Vice President Mike Pence from discharging their duties to count the Electoral College Vote and certify President Biden and Vice President Harris as the winners of the 2020 presidential election. In this effort the Defendants induced Congress and Vice President Pence to leave the U.S. Capitol while they were performing their official duties, as required by the 12th Amendment and federal law, by interrupting, hindering, and impeding the performance of those duties.

139. As described more fully in this Complaint, Defendant Trump and others made public statements knowingly designed to undermine public confidence in the election. Such statements included falsely claiming that the election had been “rigged” and that fraudulent voting had been widespread enough to affect the outcome. These statements were intended to have the effect, and did have the effect, of communicating strategies of for accomplishing the aims of the illegal conspiracy to other members of the conspiracy, including Defendants Khater and Tanios and other people who took violent action on January 6, 2021.

140. Defendant Trump encouraged, directed, and incited others to confront state and local officials to build public support for Defendant Trump’s false claims of election-rigging and fraud. These statements were intended to have the effect, and did have the effect, of communicating strategies of for accomplishing the aims of the illegal conspiracy to other members of the conspiracy, including Defendants Khater and Tanios and other persons who took violent action on January 6, 2021.

141. Defendant Trump promoted, supported, and endorsed a rally near the White House on January 6, 2021, the very same day lawmakers participated in a joint session of Congress to count and certify the Electoral College votes from the 2020 presidential election.

142. Among other purposes, the purpose of the rally was to gather a crowd in an effort to incite them to disrupt the certification of the Electoral College votes by Congress and to deny President Biden and Vice President Harris their respective offices.

143. Defendant Trump tweeted to his supporters that the January 6th rally “will be wild!” and in fact tens of thousands of his supporters made the trip to the District to participate in the event. Many of those supporters, including Defendants Khater and Tanios, understood Defendant Trump’s tweet to be a call to violent action to stop Congress from certifying the

Electoral College vote. Defendant Trump's tweets were, in essence, an offer to join a conspiracy to disrupt Congress. By answering his call, conspirators indicated their agreement to his unlawful conspiracy to disrupt Congress and deny office to President Biden and Vice President Harris.

144. Defendant Trump addressed the large crowd at the January 6 rally. He said "they rigged an election. They rigged it like they've never rigged an election before." He said "We will never concede, it doesn't happen. You don't concede when there's theft involved. Our country has had enough. We will not take it anymore and that's what this is all about." Right before turning the crowd loose on the U.S. Capitol, Defendant Trump exclaimed, "You'll never take back our country with weakness. You have to show strength, and you have to be strong." Defendant Trump intended these words as a threat of violence or intimidation to coerce Congress to disregard the results of the election. The other Defendants were aware of Defendant Trump's remarks and endorsed and supported them as part of, and in furtherance of, the conspiracy.

145. Through his words and conduct, Defendant Trump endorsed and ratified the violent actions of the mob that attacked the U.S. Capitol, including Defendants Khater and Tanios.

146. Under § 1985, any "party so injured or deprived" as a result of acts committed in furtherance of the conspiracy "may have an action for the recovery of damages occasioned by such injury or deprivation against any one or more of the conspirators."

147. Officer Sicknick (through his personal representative, Plaintiff Sandra Garza) is a "party so injured or deprived" by acts committed by Defendants in furtherance of the conspiracy.

COUNT 3
Common-Law Assault
(Against Defendants Khater and Tanios)

148. The Plaintiff re-alleges and incorporates by reference paragraphs 27 – 147 above, inclusive.

149. As described more fully in this Complaint, on January 6, 2021, a mob of individuals incited by Defendant Trump and others, including Defendants Khater and Tanios, stormed the U.S. Capitol.

150. Officer Brian Sicknick was inside the U.S. Capitol as the mob gathered outside. The mob, including Defendants Khater and Tanios, attacked Officer Sicknick and other law enforcement officers protecting the U.S. Capitol and intentionally and unlawfully forced its way inside the building.

151. On or about August 26, 2022, Defendant Khater pleaded guilty in the United States District Court for the District of Columbia to assaulting, resisting, or impeding Officer Sicknick and other officers while using a deadly weapon (bear spray) provided to him by Defendant Tanios.

152. Having already pleaded guilty to assaulting, resisting, or impeding Officer Sicknick, Defendant Khater is liable to the Plaintiff for common-law assault for the same conduct. Defendant Tanios is liable for his role in those same acts.

COUNT 4
Negligence *Per Se*
(Violation of D.C. Code §§ 22-1322 – Rioting or Inciting to Riot)
(Against all Defendants)

153. The Plaintiff re-alleges and incorporates by reference paragraphs 27 – 152 above, inclusive.

154. D.C. Code § 22-1322 makes it a criminal offense to “willfully engage in a riot” and to “willfully incite[] or urge[] other persons to engage in a riot.” D.C. Code § 22-1322(b), (c). The statute defines a “riot” as “a public disturbance involving an assemblage of 5 or more persons which by tumultuous and violent conduct or the threat thereof creates grave danger of damage or injury to property or persons.” D.C. Code § 22-1322(a).

155. Section 22-1322, on its face, is a statute designed to promote public safety.

156. Defendant Trump violated that statute through his willful conduct by, among other things:

- a. insisting for several weeks that the country was no longer a functioning republic, but instead was literally being seized in a massive, coordinated act of fraud;
- b. repeating those same falsehoods to the assembled crowd on January 6;
- c. then—while knowing the propensity of some of Defendant Trump’s supporters to engage in political violence and knowing that some of his supporters had brought weapons with them to the rally—saying the following highly inflammatory things, among others:
 - i. “you have to fight like hell”;
 - ii. “you’re allowed to go by very different rules”; and
 - iii. “you have to show strength.”

157. Defendant Trump, in short, convinced the mob that something was occurring that—if actually true—might indeed justify violence, and then sent that mob, including

Defendants Khater and Tanios, to the U.S. Capitol with violence-laced calls for immediate action.

158. Defendant Trump further demonstrated his willfulness in inciting the riot by refusing to call it off for hours as it wreaked havoc, even telling House Minority Leader Kevin McCarthy that their actions proved they simply cared more about the election that McCarthy did. When Defendant Trump did finally address the mob, he did so intentionally in highly equivocal language that largely praised them and blamed the riot on the alleged election fraud.

159. Defendants Khater and Tanios violated D.C. Code § 22-1322 by actively participating in a riot, including, among other things, physically assaulting Officer Sicknick.

160. Officer Sicknick was directly harmed by the actions of Defendants Khater and Tanios and others and died as a result of that harm.

161. The Defendants are therefore directly and vicariously liable to the Plaintiff for negligence *per se*, and for all damages arising therefrom.

COUNT 5
Aiding and Abetting Common-Law Assault
(Against Defendant Trump)

162. The Plaintiff re-alleges and incorporates by reference paragraphs 27 – 161 above, inclusive.

163. On January 6, 2021, a mob of individuals, incited by Trump, stormed the U.S. Capitol.

164. The mob attacked law enforcement protecting the entrance, including Officer Sicknick, and intentionally and unlawfully forced its way inside the building.

165. Many individuals in the mob, including Defendants Khater and Tanios, either carried weapons or used objects such as poles and fire extinguishers as weapons before and after

entering the building. Some individuals in the mob also carried restraints such as plastic handcuffs and rope.

166. The mob also unlawfully and intentionally entered non-public areas of the U.S. Capitol building, including the members' private offices. It damaged and vandalized personal and public property and stole documents, electronics, and other items from some members' offices.

167. As the mob made its way through the U.S. Capitol, participants threatened to kill numerous individuals, including, but not limited to, Vice President Mike Pence and Speaker of the House Nancy Pelosi. The mob terrorized and injured scores of people inside and outside of the U.S. Capitol, including Officer Sicknick.

168. As described above, Officer Sicknick was harmed by the rioting mob Defendant Trump incited—specifically by the actions of Defendants Khater and Tanios.

169. The mob's intentional and unlawful entry into the U.S. Capitol, and the words and actions of its participants before and after entry, caused Officer Sicknick to suffer direct physical harm.

170. Officer Sicknick in fact suffered harm because of the assault.

171. All of the events of January 6th, which Officer Sicknick was a part of and injured by, played a role in the condition that led to Officer Sicknick's death the following day.

172. Defendant Trump aided and abetted the mob of individuals—including Defendants Khater and Tanios—that stormed the U.S. Capitol and assaulted Officer Sicknick.

173. Defendant Trump was aware that his actions prior to and on January 6, 2021 promoted and encouraged the mob to storm the U.S. Capitol and assault Officer Sicknick.

174. Before directing the mob to the U.S. Capitol, Defendant Trump instructed them to “fight like hell,” intending these words to be taken literally.

175. For several hours after the mob had stormed the U.S. Capitol, Defendant Trump refused to communicate anything to the mob that might discourage continued unlawful action.

176. Defendant Trump knowingly and substantially assisted in the assault that was perpetrated upon Officer Sicknick. Defendant Trump riled up the crowd and directed and encouraged the mob to attack the U.S. Capitol and perpetrate violence on those they encountered. And Defendant Trump ratified, endorsed, and encouraged this violent conduct after it began.

177. For all these reasons, Defendant Trump is liable to Officer Sicknick (through his personal representative, Plaintiff Sandra Garza) for assault and for all damages arising therefrom.

V.
PRAYER FOR RELIEF

WHEREFORE, the Plaintiff respectfully requests this Court to enter a judgment in her favor and grant relief against the Defendants as follows:

- (1) Order each of the Defendants to individually pay actual money damages of not less than \$10,000,000 to the Plaintiff, the specific amount to be determined at trial;
- (2) Order the Defendants to each pay punitive damages to the Plaintiff in an amount to be determined at trial;
- (3) Award the Plaintiff reasonable attorneys’ fees and costs for the investigation and prosecution of this action; and
- (4) Grant any such additional relief as the Court deems just and proper.

JURY DEMAND

The Plaintiff demands a trial by jury by the maximum number of jurors permitted by law.

Dated: January 5, 2023

Respectfully submitted,

s/Matthew Kaiser

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